

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


THOMAS D. CROCK,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 08-680
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social	)	
Security,	)	
Defendant.	)	

MEMORANDUM ORDER

The record in this case reflects that complaint in this civil action was filed by plaintiff on May 19, 2008. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of a summons and complaint is to be effectuated upon all named defendants within 120 days of the filing of the complaint, with proof of same being filed with the court. None was filed and on September 18, 2008, a show cause order was issued to plaintiff, requesting that cause be shown by September 29, 2008 why this action should not be dismissed for failure to prosecute. As of the date of this order, plaintiff has failed to respond.

Therefore, under the circumstances, and pursuant to Fed.R.Civ.P. 41(b), we will exercise our inherent power to dismiss the case due to the inaction of the party seeking relief. See Link v. Wabash Railroad Co., 370 U.S. 626 (1961).

Accordingly, this 30th day of September, 2008, IT IS HEREBY  
ORDERED that the instant case is dismissed.

BY THE COURT:  
 J.

cc: Thomas D. Crock  
P. O. Box 16394  
Pittsburgh, PA 15242